

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHANNING EDER,

Defendant.

**CR-08-54-GF-BMM
CR-08-123-GF-BMM**

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 28, 2017. (Doc. 27.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 24, 2017. (Doc. 27 at 3.) Eder admitted that he violated the conditions of his supervised release. Eder violated the conditions of his supervised release by (1) consuming alcohol on June 1, 2017; (2) committing two counts of aggravated assault; (3) consuming

alcohol on July 22, 2017; and (4) possessing a dangerous weapon. (*Id.* at 1.) The violations prove serious and warrant revocation of Eder's supervised release. Judge Johnston recommended twelve months and one day custody in the United States Bureau of Prisons and a period of 48 months of supervised release in CR-08-123-GF-BMM. *Id.* at 5. Further, Judge Johnston recommended zero months custody with 36 months of supervised release to follow in CR-08-54-GF-BMM. *Id.* Judge Johnston has recommended the special condition that Eder shall reside in a Residential Reentry Center under contract to the United States Bureau of Prisons, in the pre-release component, for a period of 180 days. He shall abide by all rules and regulations of the center and successfully complete any programming as deemed appropriated by the United States Probation Office. (*Id.* at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Eder's violations of his conditions represent a serious breach of the Court's trust. A sentence of custody of twelve months and one day, followed periods of 48 months and 36 months supervised release, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 27) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Channing Eder be sentenced to custody for twelve months and one day followed by supervised release for 48 months and 36 months.

DATED this 12th day of September, 2017.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris
United States District Court Judge